

REMARKS

The foregoing amendment amends claims 1, 2 and 5. Claims 6 and 7 were withdrawn from consideration. Applicants respectfully submit that claims 1-5 define over the art of record.

I. Claim Amendment

Applicants amend claim 1 to define that a separator includes a reactant gas supply passage, a reactant gas discharge passage, a reactant gas flow passage, a coolant supply passage, a coolant discharge passage, and a coolant flow passage. Claims 2 and 5 are amended to comply with the amendment to claim 1. Support for the amendment can be found throughout the application and at least Figs. 1 and 2 and corresponding descriptions in the specification. No new matter is added. Applicants request that the foregoing amendment be entered and considered.

II. Claim Rejection Under 35 U.S.C. §102 or §103

Claims 1-5 are rejected under 35 U.S.C. §102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,492,055 to Shimotori *et al.* (hereafter “Shimotori”). Applicants respectfully traverse the rejection.

A. Claim 1

Applicants respectfully submit that the Shimotori reference does not disclose or teach *a coolant flow passage formed on a second surface opposite the first surface, the coolant flow passage being formed along a substantial portion of the second surface in a direction from the third side portion to the forth side portion and connected to the coolant supply passage and the coolant discharge passage*, as recited in amended claim 1.

The Examiner refers to the Shimotori reference, Figure 10a, number 15 as teaching the coolant flow passage recited in claim 1. (Office Action, page 5). Applicants respectfully disagree.

The Shimotori reference describes that the coolant passages (15) penetrate the unit cells such that a coolant flows through the unit cells in the stacking direction. The Shimotori reference, however, does not disclose or teach any coolant passages formed on a second surface opposite the first surface on which a reactant gas flow passage is formed, as recited in amended claim 1. Furthermore, the Shimotori reference does not disclose or teach that the coolant flow passage is formed along the substantial portion of the second surface in a direction from the side portion in which a coolant supply passage is formed to the side portion in which a coolant discharge passage is formed, as recited in amended claim 1.

The Examiner also refers to the Simitori reference, Figures 27b and 28b, number 102b as teaching the coolant flow passage recited in claim 1. (Office Action, page 3). Figures 27b and 28b of the Simitori reference depict a front end plate (100a) and a rear end plate (100b) of a fuel cell stack, respectively. The Simitori reference describes that the front end plate (100a) and the rear end plate (100b) include coolant passages (102b). However, the front end plate (100a) and the rear end plate (100b) are not separators.

For at least the reasons set forth above, Applicants respectfully submit that the Shimotori reference does not disclose or teach each and every element of amended claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(e) or 35 U.S.C. §103(a) rejection of claim 1.

B. Claims 2-5

Claims 2-5 depend from claim 1 and incorporate the features of claim 1. For at least reasons set forth above regarding claim 1, Applicants submit that claims 2-5 define over the art of record.

Furthermore, Applicants respectfully submit that the Shimotori reference does not disclose or teach that “the coolant supply passage is in fluid communication with the coolant discharge passage through the coolant flow passage,” as recited in amended claim 2.

As discussed above, the Shimotori reference does not disclose or teach the coolant flow passage recited in claim 1. Therefore, the Shimotori reference does not disclose or teach that the

coolant supply passage is in fluid communication with the coolant discharge passage through the coolant flow passage, as recited in claim 2.

For at least reasons set forth above, Applicants respectfully submit that the Shimotori reference does not disclose or teach each and every feature of claims 2-5. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(e) or 35 U.S.C. §103(a) rejection of claims 2-5.

III. Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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